

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
FT. DOUGLAS STREAM-BANK STABILIZATION
U.S. FOREST SERVICE
OZARK ST-FRANCIS NATIONAL FOREST, BIG PINEY RANGER
DISTRICT
JOHNSON COUNTY, ARKANSAS

DECISION

Based upon my review of the Ft. Douglas Stream-Bank Stabilization Project Environmental Assessment (EA), I have decided to implement The Proposed Action with its site specific design criteria, which includes the following specific activities;

Install five rock vanes at the site. Each rock vein would be approximately 6 feet tall and approximately 60 feet long. They would have a surface slope of 10:1 and their tips would be buried into the bed of the channel approximately 3 feet. Each vane would be keyed into the bank approximately 20 feet. Locally obtained rock, with a radius of 20 to 36 inches, would be used in the construction of the rock vanes.

A triangular "flood bench" would be constructed between the vanes using gravel obtained on site. This flood bench would be approximately 3 feet high at the bank and would extend into the channel approximately 12 feet. Locally obtained willows and sycamores would be transplanted and or planted into the "flood bench" and around the edges of the rock vanes and their keys.

Shrubs would be planted along the top of the bank. Work on this site would be conducted during the low-flow portion of the year

SITE SPECIFIC DESIGN CRITERIA

- If any potentially affected proposed, endangered, or threatened species are discovered prior to or during implementation, the project would be halted until the potential effects are determined and new criteria are in place if required.
- Based on consultation with Arkansas SHPO and Tribes, an archeologist will supervise test pit excavation in the project area prior to project implementation. The results of which will be documented in a report.
- Follow the Native American Graves Protection Act plan of action for Ozark National Forest.
- Should human remains be discovered all work will halt; pending consultation with the appropriate Tribes.

A landscape Architect (LA) was consulted as per the Revised Land Resource Management Plan (RLRMP) direction. The LA made two site visits to the project area and completed a scenic analysis. The scenic analysis report is located in the process file at Jasper, AR. The LA did not have any specific recommendations for the project but included the following summary:

Proposed Actions will have a negative impact for a brief period of time during a low water, low activity time of the year and will restore and preserve the Scenic Integrity of the Big Piney Creek with significant improvement by preventing the continued erosion of the embankment in the project area. The site itself is not seen from the Visually Sensitive Areas (VSA) 1 and 3 except for the temporary construction being the most visible source while VSA2 is heavily impacted during construction, experiencing Low Visual Impact for up to five years afterward while vegetation reclaims the site and the embankment stabilizes.

DECISION RATIONALE

The Proposed Action with its site specific design criteria was selected because it best addressed the purpose and need in a balanced, cost effective way providing a high level of resource outputs that can be maintained in perpetuity without harming land productivity. It was selected over Alternative 1 (no action) because Alternative 1 would not address the needs of the area nor move the area towards achieving the desired future conditions outlined in the Revised Land and Resource Management Plan (RLRMP). The No Action Alternative is a requirement of the National Environmental Policy Act (NEPA). My conclusion is based on a review of the record that shows a thorough review of relevant scientific information (peer reviewed science), a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Analysis shows this project:

1. Would stabilize the stream bank and establish woody vegetation on it that would hold the soil in place to lessen current stream-bank loss (EA Page 13).
2. Implementation of the project would have a positive cumulative effect to the fisheries in the form of improving the overall condition of the stream which would create better habitat for fish (EA Page 27).
3. Implementation of this project would prevent further erosion and collapse of the stream bank which would prevent further loss of prehistoric artifacts at the site. It would prevent these artifacts from being washed down stream in the sediment and lost (EA page 54).

Other Alternative Considered

In addition to the proposed action the EA considered one other alternative. A comparison of the proposed action to the other alternative considered can be found on page 8 in the EA. The following is a summary of the alternative considered.

Alternative 1(No Action)

The No Action Alternative is a requirement of the National Environmental Policy Act (NEPA). None of the activities in the proposed action would be implemented. Other activities allowed under previous decisions would continue to be implemented.

The Ft. Douglas Stream Bank Stabilization Project EA documents the environmental analysis and conclusions upon which this decision is based. The no action alternative would allow for the continued erosion of the stream bank at an unnatural rate.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Ozark St-Francis National Forest Schedule of Proposed Actions on June 1st, 2012 and updated periodically during the analysis. Initial scoping letters invited people to review and comment on the proposal through email, US Postal Mail, hand delivered comments, phone calls, or personal face to face. On May 21st, 2013 a legal notice was published in Russellville, Arkansas' *Courier*, The Big Piney Ranger District's paper of record, 46 letters were mailed to neighboring landowners, Native American Tribes, and other interested parties of those 1 was returned as undeliverable. There were three responses; one state agency and two Native American tribes responded to the initial scoping effort.

The pre-decisional EA was posted on the Ozark St-Francis National Forest website on February 21st, 2014. A legal notice to receive comments was published in Russellville's *Courier* newspaper on the same date. One cover letter was emailed to interested state agency who responded to the initial scoping effort. No comments were received during this 30 day period.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The actions are consistent with the intent of the management goals, objectives, and standards in the RLRMP for the Ozark St-Francis National Forest. The project was designed in conformance with the RLRMP and incorporates appropriate guidelines and mitigation measures. The project is feasible and reasonable, and results in applying management practices that are consistent with the RLRMP direction of protecting the environment while maintaining natural communities and minimizing effects of management activities. This decision supports goals and objectives from the RLRMP and the Big Piney Wild and Scenic River Plan as follows;

1. Protect and/or enhance the Outstandingly Remarkable Values.
2. Provide for plant and animal community diversity and maintain healthy functioning ecosystems as the foundation to sustaining long-term productivity. Maintain habitat for both aquatic and terrestrial species inhabiting the Big Piney River corridor.
3. Stream bank restoration measures blend in with the surrounding landscape and are essentially invisible to the untrained eye.
4. Eroded areas creating unacceptable environmental impacts are rehabilitated, while others are left untreated, allowing visitors to see the natural dynamics of riverine ecology.

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, NFMA implementing regulations in 36 Code of Federal Regulations (CFR) Section 219, the National Historic Preservation Act, the Endangered

Species Act, the National Environmental Policy Act (NEPA), the Council on Environmental Quality Regulations, and the Wild and Scenic Rivers Act of 1968.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

The Proposed Action, which alters vegetation, complies with the requirements of the National Forest Management Act (NFMA). Under 16 U.S.C. 1604 (g)(3)(e). The Responsible Official may authorize site-specific projects and activities on National Forest System (NFS) lands only where:

1. Soil, Slope, or other watershed conditions will not be irreversibly damaged.
2. Streams, stream banks, shorelines, lakes, wetlands, and other bodies of water are protected from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect water conditions of fish habitat.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

INTENSITY

The intensity of effects was considered in terms of the following:

1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial. Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
2. The degree to which the proposed action affects public health or safety. There will be no significant effects on public health and safety because the EA discloses the effects of exposure of forest users and the public to various hazards such as workers holding special use permits maintaining or working on their permits in the area of this project (See EA pages 51-52)
3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. There will be no significant effects on unique characteristics of the area, since the proposed project should enhance the wild and scenic rivers

designation and reduce the lateral migration of Big Piney Creek caused in part by past human disturbances to Stream bank vegetation. In addition, the EA concludes the vegetative treatments would promote and enhance the recreational remarkable values for which the scenic river was designated by improving the scenic quality (See EA page 16-19). The proposed bank stabilization will affect archeological deposits dating to the Late Holocene Semi-Sedentary Adaptation Type 5,000-300 YBP (Wister phase, Fourche Maline; also known as Late Archaic and Early Woodland) and Late Holocene Sedentary Adaptation Type 1500-300 YBP (Gober complex/Mulberry River culture, Limestone complex, and Cooper complex, also known as Middle to Late Woodland).

The bank stabilization project will affect less than 1% of the entire cultural deposits at site 3100041, which was determined by consultation on the eligibility for inclusion in the Register of Historic Places (NRHP), and avoidance of adverse effects (See EA pages 52-54). A program of work was proposed in 2012, and received concurrence from SHPO on October 15, 2012. In 2014, archeological investigations in the location of the proposed "keys" found that significant deposits would be affected by one key. The Quapaw Tribe (4-4-2014), Osage Nation (4-28-2014), and Arkansas SHPO (5-9-2014) concurred with a recommended monitoring and excavation program to be implemented at Key 4 during the construction work, which will serve to mitigate any potential loss of information from this archeological site. A report will be completed following this work, and submitted to the Arkansas State Historical Preservation Office and Native American Tribal partners. Conclusion of these investigations will result in No Adverse Effect. The beneficial effects of this stabilization project outweigh any adverse effects, since the more densely occupied portions of the site will be protected from further avulsion of the Big Piney Creek channel.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the effects of the proposed action.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration. The action is not likely to establish a precedent for future actions with significant effects, because the Purpose and Need for the project and the actions proposed in the PA are implementing and within the scope of the RLRMP (See EA pages 8-12).
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The cumulative impacts are not significant. The Past, Present and Reasonably Foreseeable Future Actions within the project area are listed on pages 8-9 of the EA. The cumulative effects of these actions along with the PA are

disclosed throughout chapter III of the EA and conclude that there are no significant impacts (See EA pages 11-55).

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Investigations found significant cultural deposits in the location of Key 4, and a proposed excavation and monitoring plan to be implemented at Key 4 during the construction work will serve to mitigate any potential loss of information from this archeological site. A report will be completed following this work, and submitted to the Arkansas State Historical Preservation Office and Native American Tribal partners. The conclusion of these investigations will result in No Adverse Effect by data recovery (See EA pages 52-54).
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because the EA concluded, based on the findings of the BE, that the PA was NO Effect on the Indiana bat, Gray bat, or Ozark Big-eared bat. (See EA pages 33-51).
10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 6, 8-12). The action is consistent with the Ozark St-Francis Revised Land and Resource Management Plan. (See EA pages 8-12)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This Decision is not subject to Objection: (36 CFR 218.4) Proposed projects and activities are not subject to objection when no timely, specific written comments regarding the proposed project or activity (see §218.2) are received during any designated opportunity for public comment (see §218.5(a)). The responsible official must issue a statement in the Record of Decision or Decision Notice that the project or activity was not subject to objection. The only timely, specific written response (comment) received was from a state agency and this was resolved by the National Forest applying for an appropriate permit fulfilling the requirements of the state agency.

IMPLEMENTATION DATE**(36 CFR 218.12) Timing of project decision**

(d) When a proposed project or activity is not subject to objection because no timely, specific written comments regarding the proposal were received during a designated opportunity for public comment (see §218.4), the approval of a proposed project or activity documented in a ROD must be in accordance with [40 CFR 1506.10](#) and [36 CFR 220.5\(g\)](#), and the approval of a proposed project or activity documented in a DN must be made in accordance with [36 CFR 220.7\(c\)](#) and (d). Therefore, this project can be implemented immediately.

Contact:

Further information about this decision can be obtained from Mike Mulford, NEPA Coordinator, Big Piney Ranger District, P.O. Box 427, Jasper, AR 72641; (870) 446-5122; fax (870) 446-2063; e-mail: mmulford@fs.fed.us.



Timothy E. Jones

District Ranger

6/30/2014

Date:

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